

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 DANIEL MARTINEZ,

4 Plaintiff

Case No. 3:17-cv-00530-RCJ-CBC

ORDER

5 v.

6 JAMES DZURENDA et al.,

7 Defendants  
8

9 This is an action on a civil rights complaint pursuant to 42 U.S.C. § 1983 by a  
10 former state prisoner. In a previous order, the Court granted Plaintiff's application to  
11 proceed *in forma pauperis* for a non-prisoner. (ECF No. 3 at 1, 11). The Court entered  
12 a screening order on August 7, 2018. (ECF No. 3). A follow-up order imposed a 90-day  
13 stay and the Court entered a subsequent order in which the parties were assigned to  
14 mediation by a court-appointed mediator. (ECF Nos. 6, 12). The Office of the Attorney  
15 General has filed a status report indicating that settlement has not been reached and  
16 informing the Court of its intent to proceed with this action. (ECF No. 15).

17 **IT IS THEREFORE ORDERED that:**

18 1. The Clerk of the Court shall electronically **SERVE** a copy of this order and  
19 a copy of Plaintiff's complaint (ECF No. 4) on the Office of the Attorney General of the  
20 State of Nevada, by adding the Attorney General of the State of Nevada to the docket  
21 sheet. This does not indicate acceptance of service.

22 2. Service must be perfected within ninety (90) days from the date of this order  
23 pursuant to Fed. R. Civ. P. 4(m).

24 3. Subject to the findings of the screening and follow-up orders (ECF Nos. 3,  
25 6), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's  
26 Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants  
27 for whom it accepts service; (b) the names of the defendants for whom it does not accept  
28 service, and (c) the names of the defendants for whom it is filing the last-known-address

1 information under seal. As to any of the named defendants for whom the Attorney  
2 General's Office cannot accept service, the Office shall file, *under seal*, but shall not serve  
3 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such  
4 information. If the last known address of the defendant(s) is a post office box, the Attorney  
5 General's Office shall attempt to obtain and provide the last known physical address(es).

6 4. If service cannot be accepted for any of the named defendant(s), Plaintiff  
7 shall file a motion identifying the unserved defendant(s), requesting issuance of a  
8 summons, and specifying a full name and address for the defendant(s). For the  
9 defendant(s) as to which the Attorney General has not provided last-known-address  
10 information, Plaintiff shall provide the full name and address for the defendant(s).

11 5. If the Attorney General accepts service of process for any named  
12 defendant(s), such defendant(s) shall file and serve an answer or other response to the  
13 complaint (ECF No. 4) within **sixty (60) days** from the date of this order.

14 6. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has  
15 been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other  
16 document submitted for consideration by the Court. Plaintiff shall include with the original  
17 document submitted for filing a certificate stating the date that a true and correct copy of  
18 the document was mailed or electronically filed to the defendants or counsel for the  
19 defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service  
20 to the individual attorney named in the notice of appearance, at the physical or electronic  
21 address stated therein. The Court may disregard any document received by a district  
22 judge or magistrate judge which has not been filed with the Clerk of the Court, and any  
23 document received by a district judge, magistrate judge, or the Clerk of the Court which  
24 fails to include a certificate showing proper service.

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